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TESTIMONY
BEFORE THE

HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND
EMERGENCY MANAGEMENT

ON

RECOVERING AFTER KATRINA: ENSURING THAT FEMA IS UP TO THE TASK

THE UNITED STATES HOUSE OF REPRESENTATIVES

OCTOBER 6, 2005

Introduction

Thank you Chairman Shuster, Ranking Member Norton, and distinguished members of the Committee for allowing me the opportunity to provide you with a statement for the record on FEMA's ability to lead the recovery mission after Hurricane Katrina. I am Albert Ashwood, the Director of the Oklahoma Department of Emergency Management. In my statement, I am representing the National Emergency Management Association (NEMA), whose members are the state directors of emergency management in the states, territories, and the District of Columbia. Currently, I am the Vice-President of NEMA and have also served several years as the Chairman of NEMA's Response and Recovery Committee. I bring over 17 years of experience in emergency management and I understand how emergency management is intended to work. NEMA's members are responsible to their governors for emergency preparedness, mitigation, response, and recovery activities for natural, man-made, and terrorist caused disasters.

Current Status of FEMA

Today, you have asked me to speak to the question of, "Is FEMA up to the task?" In the coming months and years, the recovery task before the nation is immense and requires significant resources and attention in order for emergency management to succeed at the task. It is essential that we clarify which FEMA it is that we are talking about here today. This is the tale of two agencies, with the first agency having the ability to successfully respond to terrorism incidents and natural disasters including the terrorism attacks of September 11, 2001 and the Oklahoma City Murrah Federal Building Bombing. This was also the FEMA that responded to the Cerro Grande Fire, Hurricanes Floyd, Dennis and Georges, and this was also the FEMA that addressed the Loma Prieta and Northridge earthquakes. This was a FEMA who garnered the respect to become the most sought after place to work in the federal government after the 2000 elections. This was the FEMA that built the public trust in the federal government to respond to disasters.

The other FEMA is today’s agency where we have arrived at post-9/11. The FEMA director serves in a bureaucratic chain of command which reports through the structures of the Department of Homeland Security, which delays response and recovery functions. Grant programs addressing traditional all-hazards preparedness missions like the Emergency Management Performance Grants (EMPG) and the Fire Grants have been transferred out of FEMA and into a shop that specializes in domestic preparedness. FEMA’s state and local coordination unit was severed to stand up DHS’s Office of State and Local Coordination and other functions in FEMA have been consolidated into DHS. This is a FEMA, where \$77.9 million of valuable Preparedness, Mitigation, Response, and Recovery program funding was reprogrammed and transferred to the new Department to stand up operations and finance the new Transportation Security Administration. The Congress authorized this transfer in a continuing resolution for FY 2003.

We are also talking about an agency who is faced with fulfilling their mission post 9/11 while operating with \$63 million less for programmatic Preparedness, Mitigation, Response and Recovery funding in FY 2006 compared to FY 2000 as authorized by the Congress in Appropriations legislation. This is a FEMA that cannot compete with outside private sector companies eager for emergency management expertise, and thus loses critical expertise and knowledge in the response and recovery field time and time again in an age when the majority of their workforce is reaching retirement age. This same agency was forced to freeze hiring in the last few years, under a mandate from DHS.

Staffing Issues

The mutual aid assistance provided during these hurricanes vividly exposes the interdependencies of the nation’s emergency management system. For Hurricane Katrina and Rita, the Emergency Management Assistance Compact (EMAC) has currently fulfilled over 1500 missions with 44 states, the District of Columbia and Puerto Rico providing assistance in the form of more than 50,000 civilian and military personnel and equipment assets to support the impacted states. The estimated costs of this assistance may exceed \$600 million. The missions and request for aid continue and are expected to continue for the next several months.

FEMA is vastly understaffed at both the headquarters and regional offices. Currently, 9 of the 10 regional offices are led by Acting-Directors, rather than the politically appointed directors. The constant strain of placing civil service employees in an acting capacity takes away from the work-load in the office, since decisions have to be made about what tasks to put aside because of staffing shortages. I would estimate that, regional offices are staffed to about 70 percent of the level that they were three years ago. This increased strain, with a more significant work load, has made it difficult to retain employees. Regional offices are the direct line of communication for state and local governments to tap into federal resources and need to have adequate personnel to assist with all stages of emergency management from preparedness, to response and recovery, and mitigation from the next disaster.

FEMA must be adequately staffed at both the headquarters and regional levels to be able to fulfill their congressionally mandated mission. Outside of EMAC, NEMA received several requests from representatives of the Principal Federal Official in the response to Hurricane Katrina and Rita to provide direct support to the federal government for their own work-force to respond to the disasters. FEMA was seeking state and local personnel versed in Stafford Act assistance programs like individual assistance and public assistance to serve as FEMA employees in the response to the disaster

on a temporary basis. They were also seeking state personnel to replace ERT (Emergency Response Team)-A team members in the field who needed rest before the next hurricane. More and more, FEMA is forced to rely on state and local governments to support their own activities because they just do not have the volume of personnel and institutional knowledge within the agency anymore. One suggestion that may go a long way to resolving these issues is to allow FEMA to create an institutional immersion program led by former employees and experts who now reside outside the agency. These experts could lead comprehensive training before disasters, thus developing a knowledge base within the agency.

FEMA Must lead the Task

Unfortunately, the Administration, Congress, and all of us have stood by and watched as FEMA has become a shell of its former self. We are at the same point as the nation was after Hurricane Andrew in 1992, questioning organizational structures, leadership, the roles of federal, state, and local government, and even citizen preparedness. We cannot afford to repeat history with the opportunities we have before us today to fix emergency management at the federal level. A Congressionally requested report published in 1993 by the National Academy of Public Administration (NAPA) entitled “Coping with Catastrophe: Building an Emergency Management System to Meet the People’s Needs in A Natural and Manmade Disaster” cites the following that you must consider in the all-hazards context:

“Americans have never seemed to value long-range planning and training. Although they have come to accept the necessity of these things in the military in order to protect citizens from threats abroad, they have not yet developed an appreciation for the need in protecting citizens from hazards that can befall them “at home.” As a result, emergency management agencies are generally under funded for planning, training, and exercises even though these activities are every bit as essential for their effectiveness as they are for military organizations.”

This rings true today as most federal funding is dedicated to domestic terrorism, versus preparing for all hazards and the hazards that we truly face on a daily basis.

Yet, no one is more qualified structurally and statutorily to help our nation respond to and recover from disasters. FEMA has the direct line relationships with state and local governments because of the grant programs and the disaster relief programs operated through the Stafford Act. FEMA is the only federal agency authorized under the Robert T. Stafford Disaster Relief and Emergency Relief Act (42 U.S.C. 5121 et seq.) to carry out duties on behalf of the President. The 1978 Reorganization Plan 3, which created FEMA, also gives FEMA the responsibility for all of the functions of emergency preparedness and response. The plan states:

“This reorganization rests on several fundamental principles. First, Federal authorities to anticipate, prepare for, and respond to major civil emergencies should be supervised by one official responsible to the President and given attention by other officials at the highest levels. The new agency would be in this position.”

FEMA is and should be the agency of choice to coordinate the functions of the federal government in response to disasters, regardless of their cause.

FEMA has the ability to tap into the emergency responder community to build relationships through training and exercises. FEMA also has the skills to work cooperatively with state and local elected and appointed officials to work cooperatively to look at comprehensive recovery. FEMA has the coordinating function in the federal government and should have the ability to tap all the resources at

the federal level to respond to a disaster. However, all these areas need to be strengthened with an all-hazards focus to ensure that federal, state, and local governments are building relationships before a disaster and understand how to work together cohesively. Leadership is not a matter of one person in the agency, but requires systematic understanding and vision on how to assist state and local government undertake the recovery process.

NEMA recommends that state and local governments remain in control of their own disaster response with federal support and unified command structures. Even in extreme circumstances, we need to continue to use and follow the plans and systems that are in place. State and local governments must have buy-in for the response and recovery of their communities. Federalizing a disaster could be extremely difficult with so many federal agencies lending support to a disaster. No disaster has been federalized in the past 30 years. Hurricane Camille in 1969 was the last time emergency management can recall a declaration of martial law with the military placed in charge. We cannot afford to return to the Civil Defense era of the 1950s and avoid all the lessons we have learned with catastrophic disasters over the last 30 years. This is why FEMA is the appropriate agency to do the job, we just have to give them the resources and attention they need to be successful as soon as possible.

The time to stop the cycle of degradation of emergency management functions by reorganization after reorganization is now and we must systematically improve our nation’s emergency response system through verified lessons learned and not reactionary decisions. We hope that Congress will partner with NEMA as they move forward to consider changes to DHS organizational functions and the role of FEMA.

As Congress and the media consider the use of contract employees to support the response and recovery effort in the Gulf Coast, we must thoughtfully implement this assistance. My personal opinion is that we can contract support for missions, but ultimately the government provides a service to protect the national security and that includes response and recovery from all disasters. I’m not against privatizing or utilizing the resources out there, but there is a point in which the federal government must accept some responsibility for ensuring that functions exist to respond and recover for whatever the disaster “du jour” may be.

Response and Recovery Issues

NEMA’s Response and Recovery Committee has been actively working with FEMA to remedy issues that impede the speed and the clarity in which FEMA issues guidance or provides assistance to states during a disaster. After 9/11, our Response and Recovery Committee looked very closely at issues impacting catastrophic disasters including:

- Uniform, written, national guidance in a clear, timely and meaningful manner that does not vary from region to region;
- Providing ongoing and timely training to field personnel on guidance and policies;
- Implementing a process to approve state management cost funding within 60 days of a request;
- Developing clear concise guidance on submission content and evaluation criteria specific to management costs;

- Following federal law regarding the statutory administrative allowance for the public assistance program;
- Administering the Other Needs Assistance Program to address ethnic and cultural diversity issues in accordance with the approved state plan for Other Needs Assistance;
- Utilizing the State disaster Mental Health plans as the basis for approving the immediate services grant; and
- Including state emergency management representatives on the FEMA Individual Assistance Steering Committee, which is influential in directing interim policy decisions.

Many of these issues have yet to be implemented, but as you can see significant need exists for streamlining and simplifying national policy decisions on response and recovery. These policy decisions must be made by educated and enlightened federal experts in a timely manner during the response and recovery phases and such expertise needs to be built and maintained at the federal level in support of the state and local activities for recovery.

Further, there are issues that Congress must address to simplify the response and recovery process for this disaster and future disasters:

- Fix the cap on disaster home repair for the Individual Assistance Program to \$25,000 and allow that for both repair or replacement for lost or damaged personal property;
- Allow for rental assistance to be paid up to a maximum of 18 months at the Fair Market Value of the jurisdiction affected, and give FEMA the ability to administratively extend this period as necessary; and
- Reinstate the FEMA Mortgage and Rental Assistance Program to the pre-Disaster Mitigation Act of 2000 status.

This is not the first time that NEMA has raised these issues with Congress. The time is now to address these critical policy and legislative issues, and we need to fix them once and for all.

Additionally, the opportunities that mitigation provides to protect property and limit the loss of life have largely gone ignored by the federal government in recent years. As a member of the state and local team that provided input to the National Response Plan and the National Incident Management System, we had to really push hard to get mitigation included in the final drafts and even now mitigation is an after-thought for the federal government. Mitigation must receive greater focus in the recovery and reconstruction effort for Hurricane Katrina. Every state has a federally approved plan on the books to address their mitigation priorities as mandated by the Disaster Mitigation Act of 2000 and these plans must be followed as the Gulf Coast undertakes their recovery plans. As a nation, we should not rebuild without considering all of the mitigation measures that are necessary to prevent this type of loss from happening in the future.

Second Stage Review

NEMA is extremely troubled about the state of the Federal Emergency Management Agency and how FEMA's ability to respond to disasters has been degraded in the last five years. NEMA articulated this grave concern in a July 27, 2005 letter to the Department of Homeland Security regarding the Second Stage Review (2SR) creating a Preparedness Directorate that would be primarily focused on terrorism. The letter to Congress highlighted the lack of the Department's focus on natural-hazards preparedness

and the inability to connect response and recovery operations to preparedness functions, as any unnecessary separation of these functions could result in a disjointed response and adversely impact the effectiveness of Departmental operations. Nevertheless, we understand that the 2SR is moving ahead even in the aftermath of the recent catastrophic hurricanes.

CONCLUSION

Congress must look at innovative ways to address FEMA’s needs in this post-9/11 environment. The nation’s reactionary nature has left FEMA emaciated and anemic. We must immediately influx the system with support and innovation in order to face the challenges of the day. Federal, State and local governments must have adequate funding for baseline emergency preparedness so exercises and training can ensure that plans and systems are effective before a disaster. I thank you for the opportunity to testify on behalf of NEMA and appreciate your partnership. I hope we can work together to implement the lessons of Hurricane Katrina and Rita and ensure that the nation is adequately prepared for any disaster, regardless of cause.